

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:08-CR-365-BR-1

UNITED STATES OF AMERICA	)	
	)	
vs.	)	
	)	<b>ORDER</b>
	)	
JUAN MIGUEL GARCIA-SOTO,	)	
	)	
Defendant.	)	

This matter comes before this court on the government's request for a 120-day period of discovery with respect to certain property subject to criminal forfeiture proceedings under 21 U.S.C. § 853. [DE-196].

On April 6, 2009, Defendant Juan Miguel Garcia-Soto pleaded guilty to, and was thereby convicted of, conspiracy to possess with intent to distribute more than five kilograms of cocaine, in violation of 21 U.S.C. § 846, and using and carrying a firearm during and in relation to a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A). [DE-123, 125]. On August 27, 2009, Defendant entered into a Consent Decree of Forfeiture whereby he stipulated that he was the sole owner of certain property that he was forfeiting to the United States, including a 2004 Porsche Cayenne, VIN WP1AB29P84LA63022. [DE-156]. On September 3, 2009, based on Defendant's plea agreement and his Consent Decree of Forfeiture, the government moved the court for the issuance of a preliminary order of forfeiture of Defendant's property pursuant to 21 U.S.C. § 853. [DE-160].

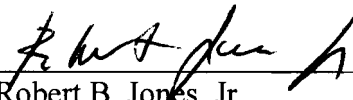
On September 8, 2009, the court entered a Preliminary Order of Forfeiture against Defendant, thereby subjecting to forfeiture Defendant's interest in, among other property, the

2004 Porsche Cayenne, VIN WP1AB29P84LA63022. [DE-166]. Thereafter, on April 30, 2010, Milly C. Fernandez, filed a petition with the court in which she asserted an interest in the 2004 Porsche Cayenne. [DE-185]. In her petition, Fernandez advised that she owned the vehicle, paid its insurance, and that the vehicle was registered to Fernandez and titled in her name. *Id.* Attached to her petition Fernandez included documentation purportedly supporting her claim to an interest in the property. *Id.*

Title 21 U.S.C. § 853 allows for discovery in order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeited property. *See* 21 U.S.C. § 853(m). Here, the court has entered an order declaring the Porsche preliminarily forfeited to the United States. In support of its motion, the government states it needs additional time to conduct discovery as to Fernandez's stated interest in the property and to otherwise resolve this matter.

After reviewing the motion and for good cause shown, the government's motion is ALLOWED and it is hereby ordered the government has ninety (90) days from the date of this order within which to conduct the requested discovery. A hearing date with respect to Fernandez's petition, if needed, shall be set after the conclusion of discovery.

So ordered, this the 30th day of July, 2010.

  
Robert B. Jones, Jr.  
United States Magistrate Judge